

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

ORAL ARGUMENT REQUESTED

**DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL
CORRECTED APPENDICES OF EXHIBITS IN SUPPORT OF
DEFENDANTS' DAUBERT MOTIONS**

Pursuant to Rule 6 of the Administrative Procedures for Electronic Filing in Civil and Criminal Cases, Section (C)(7) of the Court's Procedures, and the Parties' Stipulation and Protective Order (ECF Nos. 174, 190), Defendants Alta Mesa Resources, Inc., Riverstone Holdings, LLC, Harlan H. Chappelle, Stephen S. Coats, Michael E. Ellis, William D. Gutermuth, James T. Hackett, Pierre F. Lapeyre, Jr., David M. Leuschen, Donald R. Sinclair, Ronald J. Smith, Jeffrey H. Tepper, Thomas J. Walker, and Diana J. Walters (together, "Defendants") hereby request leave of Court to file under seal the unredacted versions of the following: 1) Corrected Appendix of Exhibits in Support of Defendants' Motion to Exclude Certain Opinions of class Plaintiffs' Expert James Johnson Under Rule 702 with accompanying corrected Exhibit 2; and 2) Corrected Appendix of Exhibits in Support of Defendants' Motion to Exclude Class Plaintiffs' Accounting Expert D. Paul Regan Under Rule 702 with corrected Exhibit 6.

BACKGROUND

On June 1, 2021, the parties filed a Stipulation and Protective Order, which the Court approved on August 17, 2021 (the “Protective Order”) (ECF Nos. 174, 190). The Protective Order allows the parties to designate certain sensitive materials as “Confidential” or “Confidential – Attorney’s Eyes Only.” ECF No. 190 at ¶¶ 4-9. If a party later files a document that it has designated “Confidential” or “Confidential – Attorney’s Eyes Only,” the party must file a motion to file under seal pursuant to the Court’s procedures the Protective Order. *Id.* ¶ 24.

When a party files designated materials under seal (as required by Paragraph 24 of the Protective Order), the parties must “meet-and-confer” before, or within five (5) business days of, the filing “to discuss whether any or all of the documents require being submitted under seal, or should remain under seal.” *Id.* ¶¶ 14, 24. If the parties “are unable to reach agreement, the party objecting to the filing under seal may file a motion to unseal.” *Id.* ¶ 14.

Pursuant to the Protective Order, counsel for defendants notified all parties on December 19, 2023 of their intent to file their *Daubert* motions and accompanying exhibits under seal. Class Plaintiffs responded that they do not object to the Motion to Seal but reserve the right to move to unseal. No parties oppose the motion.

The corrected appendices and accompanying corrected exhibits to be filed under seal are listed in the attached Appendix.

ARGUMENT

This Court maintains “supervisory power” over its own docket and should act to deny public access to documents “where court files might ... become a vehicle for improper purposes.” *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). Courts routinely seal the sensitive business and financial information of parties, recognizing that such information is subject to use for “improper purposes.” *See Udoewa v. Plus4 Credit Union*, 754 F. Supp. 2d 850, 884 (S.D. Tex. 2010) (granting a motion to seal where “[t]he excerpts from the [documents] at issue contain extensive financial information of a sort that is often kept confidential”) (citing *Cooper Tire & Rubber Co. v. Farese*, 2009 WL 514071, at *1 (N.D. Miss. Feb. 27, 2009) (sealing “sensitive financial documents”)).

CONCLUSION

Pursuant to Paragraph 24 of the Protective Order, the Protected Materials “must be filed under seal on CM/ECF.” Protective Order at ¶ 24. Defendants therefore request that the Court grant this unopposed Motion to Seal and order the Protected Materials to remain sealed.

APPENDIX OF MATERIALS TO BE SEALED

Ex. No.	Description
	<i>Appendix of Exhibits in Support of Defendants' Motion to Exclude Certain Opinions of Class Plaintiffs' Expert James Johnson Under Rule 702</i>
2	Excerpts of the Deposition of James C. Johnson taken November 17, 2023

Ex. No.	Description
	<i>Appendix of Exhibits in Support of Defendants' Motion to Exclude Class Plaintiffs' Accounting Expert D. Paul Regan Under Rule 702</i>
6	Plaintiffs' Objections and Responses to Defendants' First Set of Requests for Admission dated August 30, 2023

Dated: February 23, 2024

Respectfully submitted,

By /s/ J. Christian Word

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CERTIFICATE OF SERVICE

I certify that on February 23, 2024, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record. Additionally, the foregoing document was served to all counsel of record via secure file transfer.

/s/ J. Christian Word

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